

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

Levita Simmons, Administrator of the  
Estate of Arthur Scott, and Jeffrey  
Orvis, Administrator of the Estate of  
James Orvis,

Plaintiffs,

vs.

Tyson Foods, Inc., doing business as  
Tyson Pet Products, and Tyson Fresh  
Meats Group, a wholly owned  
subsidiary of Tyson Foods, Inc., John  
H. Tyson, Noel W. White, Dean Banks,  
Steven R. Stouffer, Tom Brower, Mary  
A. Oleksink, Elizabeth Croston, Scott  
Walston, David Scott, Tom Hart, Cody  
Brustkern, John Casey, Bret Tapken,  
Hamdija Beganovic, Ramiz Mujelic,  
and Unknown Plant Managers and  
Supervisors at Tyson Waterloo Plant  
and Unknown Plant Managers and  
Supervisors at Tyson Independence  
Plant,

Defendants.

CASE NO. 6:21-cv-02036

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**INDIVIDUAL DEFENDANTS  
JOHN H. TYSON, NOEL W. WHITE, DEAN BANKS,  
STEVEN R. STOUFFER, TOM BROWER, MARY A. OLEKSINK,  
ELIZABETH CROSTON, SCOTT WALSTON, DAVID  
SCOTT, and RAMIZ MUJELIC'S  
MOTION TO DISMISS**

**(Oral Argument Requested)**

Defendants John H. Tyson, Noel W. White, Dean Banks, Steven R. Stouffer, Tom  
Brower, Mary A. Oleksink, Elizabeth Croston, Scott Walston, David Scott, and Ramiz

Mujelic (collectively, the “Individual Defendants”) join the Motion to Dismiss filed in this case by Tyson Foods, Inc. and Tyson Fresh Meats Group (“Tyson”), and respectfully request dismissal of the claim asserted against them on the grounds set forth in that motion.

In addition, the Individual Defendants move for dismissal with prejudice under Rule 12(b)(6) on the additional grounds that the claim against them is barred by the Iowa Workers’ Compensation Act, and because the complaint fails to plausibly allege that the Individual Defendants caused the alleged injury, and even if the allegations were otherwise sufficient, the alleged cause of action would be barred by the Iowa “COVID-19 Response and Back-to-Business Limited Liability Act” and preempted by federal law. This Motion is supported by the attached Brief in Support of Motion to Dismiss pursuant to Local Rule 7.

WHEREFORE, the Individual Defendants respectfully request this Court dismiss Plaintiffs’ complaint and for such further relief as the Court deems just and necessary.

Dated: June 28, 2021

Respectfully submitted,

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MARY A. OLEKSINK, ELIZABETH  
CROSTON, SCOTT WALSTON,  
DAVID SCOTT, AND RAMIZ  
MUJELIC**

## CERTIFICATE OF SERVICE

I hereby certify that, on June 28, 2021, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF system as follows:

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